

Declaration of Angela Leeper - Exhibits

Exhibit A

Leslie Rawls Hoglund
Active on Facebook

10/13/2016 8:52AM

Leslie, I'm wondering if you know anything about this lawsuit other than what I've seen on FB? I'm extremely concerned and wish we knew the "other" side. I'm just trying to wrap my head around this because I care about this organization so much.

Lawsuit? I'm not sure I know what you're referencing?
Link?

Oh my gosh... I was assuming everyone in JDI knew... let me get you a link...

I might know something but don't want to assume

Ok...
Hold on

Type a message...

Search in Conversation
Edit Nicknames
Change Color
Change Emoji
Notifications

Facebook Profile
<https://facebook.com/lhoglund>

Shared Photos

9:13 PM
3/5/2018

https://www.facebook.com/messages/t/625197796

Angie Home 1 15 ? 

Leslie Rawls Hoglund
Active on Facebook

Hold on

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOY'S DAUGHTERS INTERNATIONAL
Plaintiff,
v.
HEDY YOST,
Defendant.

COMING NOW AMY's Daughters International ("AMY" or "Plaintiff" and for its
Corporate Plaintiff and its, ("Yost" or "Defendant"), defense as follows:

1. Plaintiff is a Nebraska Non-Profit Corporation with a principal place of business
in Papillion, Nebraska.

2. Upon information and belief, Defendant is an individual residing in Maple
Valley, Washington.

3. Upon information and belief, Yost does business as Pink Power Pricing. The
business is a sole proprietorship.

4. This is an action for injunctive relief and damages under the Lanham Act, 15
U.S.C. § 1111, et seq. and under Washington statutory and common laws based on
Defendant's wrongful use of the following trademarks and trade names: JOY'S DAUGHTERS,
JOY'S DAUGHTERS INTERNATIONAL, INTERNATIONAL ORDER OF JOY'S
DAUGHTERS, INC.

COMPLAINT - I
[Redacted]
[Redacted]

Facebook Profile
<https://facebook.com/lhoglund>

Shared Photos

9:14 PM
3/5/2018

A screenshot of a Facebook message window. The message is from Leslie Rawls Hoglund to JFH International and Design, Inc. The message body contains a scanned document of a legal complaint. The document is a scanned page with text and a signature. The message window includes standard Facebook message controls like search, edit, and emoji, as well as a sidebar with options like 'Search in Conversation', 'Edit Nicknames', and 'Notifications'.

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12. JDH has expanded numerous amounts of time, effort, capital and resources and,
13. in that time, has established valuable proprietary rights to the JDH Marks and the JDH
14. Registered Marks and is using them in commerce, including the sale of clothing items.
15. The JDH Marks and JDH Registered Marks identify high quality services and
16. products originating exclusively with JDH.
17. Long after JDH's adoption and use of the JDH Marks and JDH Registered Marks,
18. Delhaedt knowingly adopted and began using similar trademarks in connection with the sale,
19. offering for sale and advertising of similar goods in its internet commerce.
20. Delhaedt has adopted and used JDH Marks and JDH Registered Marks in commerce and
21. is subject to the laws and regulations of the United States of America, including the Lanham Act and
22. Delhaedt of the same, in writing, on various occasions. Delhaedt has knowledge of the JDH
23. Marks and JDH Registered Marks at the time he began utilizing the same. Inevitably,
24. Delhaedt continues to utilize the infringing trademark even after receiving notice of
25. JDH's superior and valuable proprietary rights to the JDH Marks and JDH Registered Marks.
26. On or about August 17, 2016, JDH's counsel notified Delhaedt of JDH's
27. proprietary rights to the JDH Marks and asked that Delhaedt immediately cease and desist its
28. infringing conduct.
29. Delhaedt has failed and refused to cease its wrongful use and continue to
30. assert rights in JDH's Marks and JDH Registered Marks via advertisements and use of products
31. bearing the JDH Marks.
32. Delhaedt is at this time, nor has it ever been associated, affiliated or connected
33. with or otherwise connected to JDH.
34. Delhaedt's use of the Mark has caused and is likely to continue to cause
35. consumers, the public and trade to erroneously believe that the goods sold by Delhaedt
36. emanate or originate from JDH, that said goods are authorized, sponsored or approved by JDH.

COMPLAINT - 1

William A. Kline, Esq.
Kline, Kline & Matlack, LLP
1000 Peachtree Street, Suite 1500
Atlanta, Georgia 30309-3710

Type a message...

Search in Conversation

Edit Nicknames

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3/5/2018

Messenger <https://www.facebook.com/messages/t/625197796>

Angie [Home](#) [1](#) [15](#) [?](#)

Leslie Rawls Hoglund Active 2m ago

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1 which they are not, or that the goods are likely to cause confusion with products that originate
2 from J2K.
3 20. Defendant has used with malice disregard for J2K's right to use J2K's mark in a wilful
4 and in connection with its related activities. Alternatively, Defendant intentionally engaged
5 in the infringing activities. As a result, this case constitutes an excepted case under 15
6 U.S.C. § 1115(b) and/or a case of intentional counterfeiting under 15 U.S.C. § 1115(b).
7 21. As a consequence of Defendant's wrongful conduct, J2K has suffered and will
8 continue to suffer irreparable harm and loss.
9 22. J2K has an absolute right to sue.
10 **TRADEMARK INFRINGEMENT**
11 23. J2K incorporates all prior allegations as of and before its filing.
12 24. J2K's Marks and Registered Marks are strong and are entitled to broad
13 protection.
14 25. Based upon J2K's exclusive advertising and promotion of its goods and services
15 under the J2K Marks and the popularity of the J2K Marks, the J2K Marks are immediately
16 associated with the public, and the trade in being a services, products, or name of J2K.
17 26. Defendant's conduct as described above constitutes Defendant's use in
18 commerce of the J2K Marks.
19 27. Defendant has intentionally used the J2K Marks knowing that they are the
20 exclusive property of J2K in connection with the sale, offering for sale, and distribution of
21 goods and services in the promotion of young women, specifically through sale of clothing
22 items.
23 28. Defendant's conduct described above creates the risk of misleading
24 impression that Defendant is affiliated, partnered, authorized or otherwise approved by J2K in
25 connection with the sale, offering for sale, and distribution of Defendant's products.
26 **COMPLAINT - I**
27 **COMPLAINT - II**
28 **FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION**
29 34. J2K incorporates all prior allegations as of and before its filing.
30 35. Defendant's conduct as described above creates the risk of misleading impression that
31 another products/brands are closely related to J2K's products.
32. On information and belief, Defendant's wrongful conduct has been willful,
33. intentional and/or in reckless disregard of J2K's intellectual rights.
34. Defendant's wrongful conduct has resulted in irreparable damage to J2K and
35. will continue to irreparably damage J2K until enjoined by this Court. J2K is entitled an
adequate remedy at law.
36. **COMPLAINT - II**
37 **William Sorenson & Associates, PLLC**
38 **Attn: Leslie Rawls Hoglund**
39 **1000 12th Street, Suite 1000**
40 **Seattle, Washington 98101-3121**
41 **Telephone: (206) 467-1200**
42 **Fax: (206) 467-1201**
43 **E-mail: william.sorenson@wsorenson.com**
44 **Attorneys for Plaintiff**

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Facebook Profile <https://facebook.com/lhoglund> 9:17 PM 3/5/2018

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Messenger <https://www.facebook.com/messages/t/625197796>

Angie [Home](#) [1](#) [15](#) [?](#)

Leslie Rawls Hoglund Active 2m ago

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1 use the J2K Marks to advertise, market, offer for sale and/or sell clothing items when, in fact,
2 Defendant is not so advertising.
3 29. Defendant is now engaging in the aforementioned activity with the intent to
confuse the public and the trade.
4 30. Defendant's conduct as described above creates the risk of misleading impression that
5 another products/brands are closely related to J2K's products.
6 31. On information and belief, Defendant's wrongful conduct has been willful,
7 intentional and/or in reckless disregard of J2K's intellectual rights.
8 32. Defendant's wrongful conduct has resulted in irreparable damage to J2K and
9 will continue to irreparably damage J2K until enjoined by this Court. J2K is entitled an
adequate remedy at law.
10. **COMPLAINT - I**
11 **COMPLAINT - II**
12 **FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION**
13 34. J2K incorporates all prior allegations as of and before its filing.
14 35. Defendant's conduct as described above creates the risk of misleading impression that
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21 **William Sorenson & Associates, PLLC**
22 **Attn: Leslie Rawls Hoglund**
23 **1000 12th Street, Suite 1000**
24 **Seattle, Washington 98101-3121**
25 **Telephone: (206) 467-1200**
26 **Fax: (206) 467-1201**
27 **E-mail: william.sorenson@wsorenson.com**
28 **Attorneys for Plaintiff**

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1 37. Defendant's wrongful conduct has resulted in irreparable damage to IXE and
2 will continue to irreparably damage IXE until enjoined by this Court. IXE is entitled to
3 adequate remedy at law.

4 COUNT III
5 VIOLATION OF STATE DESCRIPTIVE TRADE PRACTICES ACT
6 IXE is entitled to all damages and expenses it has suffered as a result of IXE's
7 conduct of IXE's violation of the State Descriptive Trade Practices Act. IXE
8 damaged IXE and affords the public interest in violation of the Washington Uniform Business
9 Practices Act, Chapter 19.86 RCW, as follows:

10 40. As a result of the conduct of Defendant, IXE is entitled to all of the legal
11 measures under the Nebraska Descriptive Trade Practice Act.

12 COMMON LAW

13 41. IXE is entitled to all general damages as if IXE had been injured.
14 42. IXE is entitled to all damages resulting from IXE's infringement, whether or not IXE
15 engaged in bad faith practice under the common law of the State of Washington.
16 WHEREFORE, IXE prays for:

17 1. Defendant and its officers, agents, servants, employees, franchisees and
18 attorneys, and all those persons in active concert or participation with them, be permanently
19 enjoined from using any descriptive term, name, or mark which is or may become IXE Marks,
20 and any similar marks likely to cause confusion with the IXE Marks, whether as a trade name,
21 service mark or trademark, and whether alone or in association with other words or symbols.
22 2. Defendant be required, in accordance with 17 U.S.C. § 1114 and state law, to
23 deliver up to IXE for destruction all items which in any way or manner depict the IXE Marks,
24 and any similar marks likely to cause confusion with the IXE Marks, whether it is used alone or
25 in association with other words or symbols.

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Leslie Rawls Hoglund Active 3m ago

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1 3. IXE shall be awarded all damages Plaintiff has sustained as a consequence of
2 Defendant's infringement of the IXE Marks or any other unfair competition.

3 4. Awarding IXE all general, special, and attorney's fees incurred by the Defendant's
4 infringement of the IXE Marks or any unfair competition and that the same be held in
5 escrow trust for the benefit of IXE.

6 5. Awarding IXE pre-judgment interest on all irreparable damages as the legal per-
7 judgment rate and interest on and after the date of the legal judgment one from the date of trial
8 judgment.

9 6. Awarding IXE costs of the action as adjudicated by law.

10 7. Awarding IXE twice the amount of actual damages suffered by it as authorized
11 by law.

12 8. Awarding IXE reasonable attorney's fees as adjudicated by law.

13 9. IXE shall have all other and further remedies afforded by the Court deems just
14 and equitable.

15 Plaintiff requests a trial on all issues allowed under applicable law.

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Sorry to blow you up but didn't know how else to get it

Leslie Rawls Hoglund Active 3m ago

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Options

Search in Conversation

Edit Nicknames

Change Color

Change Emoji

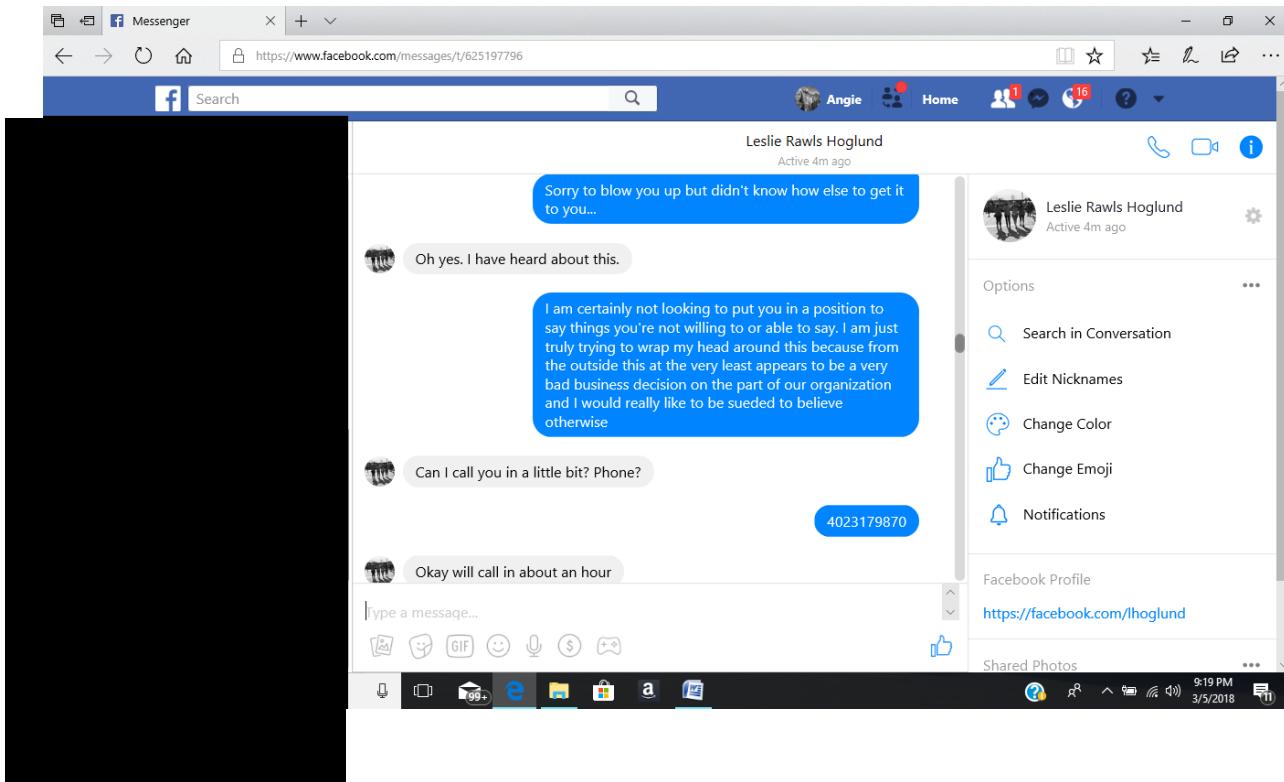
Notifications

Facebook Profile

<https://facebook.com/lhoglund>

Shared Photos

9:18 PM 3/5/2018



The screenshot shows a Facebook Messenger conversation. The recipient's profile picture is blacked out. The message from Leslie Rawls Hoglund (Active 4m ago) is: "Sorry to blow you up but didn't know how else to get it to you...". The recipient's response is: "Oh yes. I have heard about this." Below this, Leslie Rawls Hoglund writes: "I am certainly not looking to put you in a position to say things you're not willing to or able to say. I am just truly trying to wrap my head around this because from the outside this at the very least appears to be a very bad business decision on the part of our organization and I would really like to be sued to believe otherwise". The recipient then asks: "Can I call you in a little bit? Phone?". Leslie Rawls Hoglund replies: "4023179870". The recipient responds: "Okay will call in about an hour". Below the messages, there is a "Type a message..." input field and a row of message composition icons. On the right side of the screen, there is a sidebar with Leslie Rawls Hoglund's profile picture, name, and activity status ("Active 4m ago"). The sidebar also includes options for "Search in Conversation", "Edit Nicknames", "Change Color", "Change Emoji", and "Notifications". Below the sidebar, there are links to "Facebook Profile" (with the URL <https://facebook.com/lhoglund>) and "Shared Photos". The bottom right corner of the screen shows the system tray with the date and time (3/5/2018, 9:19 PM).